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**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF OHIO
 WESTERN DIVISION**

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 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF OHIO
 WESTERN DIVISION

UNITED STATES OF AMERICA

CASE NO. CR-1-02-054-1

vs.

(HONORABLE SUSAN J. DLOTT)

WALTER MEADE PUGH, JR.

**GOVERNMENT'S RESPONSE
 TO MOTION IN LIMINE**

Now comes the United States of America, by and through counsel, Assistant United States Attorney Wende C. Cross, and for its response to defendant's Motion in Limine, states as follows:

In his motion, defendant seeks an Order excluding the Government from introducing into evidence during it's case-in-chief any evidence of other crimes, wrongs, or acts of the defendant under Rule 404(b) of the Federal Rules of Evidence. Specifically, the defendant seeks to prohibit the government from soliciting any testimony from a potential witness named Mr. Dixon of "defendants (sic) prior . . . incarceration, where they first met."

Rule 404(b) provides that:

Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident . . .

To the extent that defendant's motion is construed as a request for notice of the Government's intention to introduce Rule 404(b) evidence, pursuant to Rule 12(d) of the


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Federal Rules of Criminal Procedure, the United States submits that it is unaware of any Rule 404(b) evidence that may be used at trial at this time. However, in the event that any such evidence is discovered by the government prior to trial, the United States will notify the defendant immediately of its intention to use said evidence and file a notice in the record.

The United States submits that it is unaware of an individual named Mr. Dixon. Thus, the undersigned is unaware of the substance of any potential testimony to be offered by Mr. Dixon at this time. The United States has no intention of soliciting from Mr. Dixon, should he be called as witness to testify at trial, any testimony that he was or is incarcerated with the defendant, Walter M. Pugh, Jr. To the extent it becomes relevant, however, the United States will seek to solicit testimony from the witness of his previous incarcerations.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney



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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was mailed on this 30th day of July, 2002, to Walter Meade Pugh, Jr., Pro Se, 900 Sycamore Street, Hamilton County Justice Center, Cincinnati, Ohio, 45202, and J. Robert Andrews, 2662 Madison Road, Cincinnati, Ohio 45208.

Wende C. Cross
WENDE C. CROSS (0061531)
Assistant United States Attorney